

Exhibit A

Exhibit A – Proposed Constructions and Supporting Intrinsic and Extrinsic Evidence**A. U.S. Patent No. 8,589,541**

Term No.	Claim Term	Headwater’s Proposed Construction and Supporting Evidence	T-Mobile’s Proposed Construction and Supporting Evidence
1	<p>“one or more prospective ... communications [over a wireless network]”</p> <p>(claims 1-174)</p>	<p>Not indefinite; no construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’541 patent, at Abstract, 15:5-39, 15:52-21:6, 22:3-50, 23:1-43, 29:51-32:32, 34:15-39:62, 41:19-45:3, 46:44-52:37, 53:13-68:31, 69:5-82:10, 83:1-109:19, and associated Figures; Figs. 1-3, 7-25, 27, and associated text; cls. 1-9, 13-18, 25, 28-29, 34-35, 39, 41-42, 44-62, 64, 71-72, 80-81, 85-88, 90, 98-99, 100-102, 107, 109, 112-114, 116, 121, 125, 132-134, 137, 140-142, 158-161, 163, 165-174.</p>	<p>Indefinite.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’541 Patent, Abstract; 7:34-62; 9:56-21:46; 27:62-28:15; 58:26-59:19; 69:5-38; 70:42-72:34; 80:63-82:10; 97:55-98:30; 106:57-109:19, Figs. 14, 15, 18, and 27 and accompanying disclosures.</p> <p><u>Extrinsic Evidence</u></p> <p>Turnbull Declaration</p>
2	<p>“service usage activity”</p> <p>(claims 1-174)</p>	<p>No construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p>	<p>“an activity by the first software component that requires usage of a wireless network connection”</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p>

		'541 patent, at Abstract, 15:5-39, 15:52-21:6, 22:3-50, 23:1-43, 29:51-32:32, 34:15-39:62, 41:19-45:3, 46:44-52:37, 53:13-68:31, 69:5-82:10, 83:1-109:19, and associated Figures; Figs. 1-3, 7-25, 27, and associated text; cls. 1-9, 13-18, 25, 28-29, 34-35, 39, 41-42, 44-62, 64, 71-72, 80-81, 85-88, 90, 98-99, 100-102, 107, 109, 112-114, 116, 121, 125, 132-134, 137, 140-142, 158-161, 163, 165-174.	'541 Patent, Abstract; 7:34-62; 9:56-21:46; 27:62-28:15; 58:26-59:19; 69:5-38; 70:42-72:34; 80:63-82:10; 92:22-93:28; 97:55-98:30; 106:57-109:19, Figs. 14, 15, 18, and 27 and accompanying disclosures.
3	"background activity" (claims 1-174)	<p>Not indefinite; no construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'541 patent, at Abstract, 12:10-48, 14:37-15:4, 15:5-39, 15:52-21:6, 22:3-50, 23:1-43, 24:57-25:21, 26:30-27:3, 29:51-32:32, 34:15-39:62, 41:19-45:3, 46:44-52:37, 53:13-68:31, 69:5-82:10, 83:1-109:19, and associated Figures; Figs. 1-3, 7-25, 27, and associated text; cls. 1, 3, 26, 44-51, 54-59 89-90, 121, 161-162, 166-169, 174.</p>	<p>Indefinite.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'541 Patent, Abstract; 7:34-62; 9:56-21:46; 22:21-23:15; 27:62-28:15; 30:51-31:18; 31:51-32:31; 58:26-59:19; 69:5-38; 70:42-72:34; 74:31-76:58; 80:63-82:10; 92:22-93:28; 97:55-98:30; 106:57-109:19, Figs. 14, 15, 18, and 27 and accompanying disclosures.</p> <p><u>Extrinsic Evidence</u></p> <p>Turnbull Declaration</p>

B. U.S. Patent No. 9,198,042

Term No.	Claim Term	Headwater's Proposed Construction and Supporting Evidence	T-Mobile's Proposed Construction and Supporting Evidence
4	"device service state" (claims 1-18)	<p>No construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'042 patent, at Abstract, 6:24-45, 6:59-7:14, 7:27-8:46, 12:57-13:23, 13:29-55, 19:3-60, 17:46-19:14, and associated Figures; Figs. 1-11, and associated text; cls. 1, 2, 5, 14-18.</p>	<p>"information about the current status of the device required to adequately define the actions needed from the service controller to maintain proper device-assisted service (DAS) system operation"</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'042 Patent, 17:46-18:11; 18:12-19:14; 3:47-4:17; 4:46-56; 5:37-6:9; 6:34-45, Figs. 1-11 and accompanying disclosures, cls 1, 14, 15, 16, 17, 18.</p>
5	"service policy setting" (claims 1-18)	<p>"policy setting for a network data service"</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'042 patent, at Abstract, 6:24-45, 6:59-7:14, 7:27-8:46, 12:57-13:23, 13:29-55, 19:3-60, 17:46-19:14, and associated Figures; Figs. 1-11, and associated text; cls. 1, 2, 5, 14-18.</p>	<p>"rule for governing network service usage that can be implemented on the device"</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>'042 Patent, 3:66-4:17; 7:54-8:30; 17:46-59, Figs. 1-11 and accompanying disclosures, cls. 1, 2, 5.</p> <p><u>Extrinsic Evidence</u></p> <p><i>CLI Book 2: Cisco ASA Series Firewall CLI Configuration Guide, Ch. Service Policy,</i> https://www.cisco.com/c/en/us/td/docs/security/asa/asa94/config-guides/cli/firewall/asa-94-</p>

			<p>firewall-config/inspect-service-policy.html (last visited July 19, 2024) [TMO_HW00044535–942]</p> <p><i>What is Network Policy, Cisco,</i> https://www.cisco.com/c/en/us/solutions/enterprise-networks/what-is-network-policy.html (last visited July 19, 2024) [TMO_HW00044962–969]</p> <p><i>Security Policy Settings, Microsoft,</i> https://learn.microsoft.com/en-us/previous-versions/windows/it-pro/windows-10/security/threat-protection/security-policy-settings/security-policy-settings (last visited July 19, 2024) [TMO_HW00044943–961]</p>
6	<p>“protected partition” (claims 1-18)</p>	<p>No construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’042 patent, at Abstract, 3:13-4:32, 5:21-10:34, 10:55-17:37, 19:8-14, and associated Figures; Figs. 1-11, and associated text; cl. 1.</p>	<p>“a secure device assisted service execution environment”</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’042 Patent, 3:13–46, 5:37–6:58, 7:14–27, 8:47–10:34, 10:55–60, 11:40–56, 12:24–13:2, 13:3–28, 15:4–17:37, Figs. 1–11 and accompanying disclosures.</p>

C. U.S. Patent No. 9,215,613

Term No.	Claim Term	Headwater's Proposed Construction and Supporting Evidence	T-Mobile's Proposed Construction and Supporting Evidence
7	<p>“differential traffic control policy”</p> <p>(claims 1-24)</p>	<p>No construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 patent, at Abstract, 9:51-11:15, 12:38-14:55, 18:61-19:67, 21:10-30, 23:49-24:12, 27:18-38, 62:5-67:13, 71:1-73:26, 74:34-77:37, 81:36-88:24, 92:27-94:17, 95:48-98:38, 100:28-103:5, and associated Figures; Figs. 5, 7-27, and associated text; cls. 1-5, 7, 8, 12-20.</p>	<p>“rules for controlling network traffic that distinguishes between two or more things”</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 Patent, Abstract; 1:8-35; 2:61-15:18; 23:21-24:55; 26:3-47; 27:1-17; 62:43-64:39; 71:1-73:26; 76:46-77:37; 84:1-85:8; 86:66-87:15; 96:13-97:53; 100:28-102:56, Figs. 14, 15, 18, 21, 24, 25, and 27 and accompanying disclosures.</p> <p><i>CLI Book 2: Cisco ASA Series Firewall CLI Configuration Guide, Ch. Service Policy,</i> https://www.cisco.com/c/en/us/td/docs/security/asa/asa94/config-guides/cli/firewall/asa-94-firewall-config/inspect-service-policy.html (last visited July 19, 2024) [TMO_HW00044535–942]</p> <p><i>What is Network Policy, Cisco,</i> https://www.cisco.com/c/en/us/solutions/enterprise-networks/what-is-network-policy.html (last visited July 19, 2024) [TMO_HW00044962–969]</p>

			<i>Security Policy Settings</i> , Microsoft, https://learn.microsoft.com/en-us/previous-versions/windows/it-pro/windows-10/security/threat-protection/security-policy-settings/security-policy-settings (last visited July 19, 2024) [TMO HW00044943–961]
8	<p>“classify whether a particular application capable of both interacting with the user in a user interface foreground of the device, and at least some Internet service activities when not interacting with the user in the device user interface foreground, is interacting with the user in the device user interface foreground”</p> <p>(claims 1-24)</p>	<p>Not indefinite; no construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 patent, at Abstract, 5:57-6:18, 8:6-42, 9:51-11:15, 12:3-14:55, 15:42-16:54, 18:29-60, 18:61-20:40, 21:10-30, 23:49-24:55, 25:22-26:26, 27:18-38, 62:5-70:29, 71:1-73:26, 74:34-77:37, 81:36-90:18, 92:27-94:17, 95:48-98:38, 100:28-103:5, and associated Figures; Figs. 5, 7-27, and associated text; cls. 1-5, 7, 8, 12-20.</p> <p><u>Extrinsic Evidence</u></p> <p>Claim Construction Order, Dkt. 107, Case 2:22-cv-00422-JRG-RPS (E.D. Tex. Feb. 20, 2024).</p>	<p>Indefinite.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 Patent, Abstract; 1:8-35; 2:61-15:18; 23:21-24:55; 25:22-26:47; 27:1-17; 62:43-64:39; 66:4-36; 68:1-70:29; 71:1-73:26; 76:46-77:37; 84:1-85:8; 86:66-87:15; 87:46-88:22; 89:44-90:18; 96:13-97:53; 100:28-102:56, Figs. 14, 15, 18, and 27 and accompanying disclosures.</p> <p><u>Extrinsic Evidence</u></p> <p>Turnbull Declaration</p>
9	<p>“the user of the device is directly interacting with that application or perceiving any benefit from that application”</p> <p>(claim 6)</p>	<p>Not indefinite; no construction necessary; plain and ordinary meaning.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 patent, at Abstract, 5:57-6:18, 8:6-42, 9:51-11:15, 12:3-14:55, 15:42-16:54, 18:29-60, 18:61-</p>	<p>Indefinite.</p> <p><i>Supporting Evidence:</i></p> <p><u>Intrinsic Evidence</u></p> <p>’613 Patent, Abstract; 1:8-35; 2:61-15:18; 23:21-24:55; 25:22-26:47; 27:1-17; 62:43-64:39; 66:4-36; 68:1-70:29; 71:1-73:26;</p>

		<p>20:40, 21:10-30, 23:49-24:55, 25:22-26:26, 27:18-38, 62:5-70:29, 71:1-73:26, 74:34-77:37, 81:36-90:18, 92:27-94:17, 95:48-98:38, 100:28-103:5, and associated Figures; Figs. 5, 7-27, and associated text; cls. 1-5, 7, 8, 12-20.</p> <p><u>Extrinsic Evidence</u></p> <p>Claim Construction Order, Dkt. 107, Case 2:22-cv-00422-JRG-RPS (E.D. Tex. Feb. 20, 2024).</p>	<p>76:46-77:37; 84:1-85:8; 86:66-87:15; 87:46-88:22; 89:44-90:18; 96:13-97:53; 100:28-102:56, Figs. 14, 15, 18, and 27 and accompanying disclosures.</p> <p><u>Extrinsic Evidence</u></p> <p>Turnbull Declaration</p>
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